

on Statistics, with the statement of facts in support thereof, and recommend your favorable action thereon.

Respectfully submitted,

O. M. ROBERTS, Governor.  
AUSTIN, TEXAS, April 8, 1882.

To the Honorable the Senate and the House of Representatives of the State of Texas:

GENTLEMEN—The undersigned, the Board of Statistics, respectfully represent:

That the appropriation for statistics enacted by the Seventeenth Legislature at its last session, is in the following words and figures, namely: "For the dissemination of statistical information in regard to the climate, soil and resources of Texas, to other States and to foreign countries, to be expended under the direction of the Governor, the Secretary of State, the Secretary of the Board of Education, and Commissioner of Insurance, Statistics and History, for 1881, \$5500; for 1882, \$5500."

That no provision was made for the collection of statistical information. The bill providing for such collection, which was passed by the Senate failed of being considered by the House of Representatives, owing to the accumulation of business near the close of the session, which prevented said bill from being reached on the calendar.

That the appropriation for one chief and one assistant statistical clerk in the general appropriation bill as passed by the Senate at the last session, was stricken out by the House of Representatives, and thus failed to become a law.

That only one clerk—an insurance clerk, with the duties of State Librarian added—was provided for by said general appropriation act for the Department of Insurance, Statistics and History.

That owing to the increase of the insurance business in the State, the time of said clerk has been almost entirely occupied by his appropriate duties.

That the undersigned upon a careful survey of the amount and character of the labor required for the thorough collection and compilation of the statistics of the State for publication, became convinced that competent clerical assistance was indispensable to enable the Commissioner of Insurance, Statistics and History to accomplish the statistical work devolved on him in proper time and in such a manner as the interest of the State demanded. But, nevertheless, they felt constrained to determine, from the terms of the appropriation above quoted, taken in connection with the refusal of the Legislature to provide for two statistical clerks, as stated, that they were not only without authority, but were, in fact, precluded from using any part of said appropriation for the purpose of supplying the needed clerical assistance.

The Board of Statistics further represent that notwithstanding the drawbacks and difficulties encountered in the undertaking, satisfactory statistical data have been obtained from one hundred and forty-seven (147) of the one hundred and sixty-seven (167) organized counties of the State, and also from a number of the unorganized counties, and some progress has been made in the work of compilation. But much remains to be done, and in the opinion of the undersigned two efficient statistical clerks are now, more than at any former period, imperatively needed to hasten the work to an early completion.

For the above reasons, the undersigned respectfully ask that a suitable appropriation be made by your honorable bodies at as early a day as practicable for the required statistical clerks; or, if it should be thought more advisable, that the Board of Statistics be authorized by joint resolution to apply such portion of the existing appropriation as may be necessary to that purpose.

Very respectfully,

O. M. ROBERTS, Governor,  
T. H. BOWMAN, Secretary of State,  
O. N. HOLLINGSWORTH, Secretary Board of Education,  
A. W. SPAGH, Com. of Insurance, Statistics and History,  
Board of Statistics.

On motion of Senator Gooch the message and accompanying report were referred by the President to Committee on Insurance, Statistics and History.

Senator Swain, by leave, introduced a bill entitled "An act to amend article 4257 of the Revised Civil Statutes, relating to freight charges on railways." Referred to Committee on Internal Improvements.

On motion of Senator Swain the Senate adjourned till to-morrow morning at 9:30.

#### SIXTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, April 12, 1882. }

Senate met pursuant to adjournment. The President in the chair.

Roll called; quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator McLane, the reading of the minutes of yesterday's proceedings was dispensed with.

Senator Ross, chairman of the Committee on Finance, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, April 12, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 8, entitled "An act making an appropriation to defray the contingent expenses of the extra session of the Seventeenth Legislature," have carefully considered the same, and have instructed me to report the bill back to the Senate with the recommendation that it do lie upon the table, because the necessity for the enactment of such a law has been obviated by the passage, by both houses of the Legislature, of House bill No. 12, which makes the appropriation contemplated in the Senate bill No. 8.

Ross, Chairman.

Bill read first time with unfavorable report.

COMMITTEE ROOM, }  
AUSTIN, April 12, 1882. }

Hon. L. J. Storey, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 1, entitled, "An act making an appropriation for the mileage and per diem pay of the members and the per diem pay of the officers of the extra session of the Seventeenth Legislature," have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it lie upon the table, for the reason that the object of the bill has been fully met by House bill No. 7, which has already passed both Houses of the Legislature.

Ross, Chairman.

Bill read first time with unfavorable report.

Senator Harris introduced a bill entitled "An act to amend an act entitled 'an act to procure from the publishing house owning the copyright certain volumes of the early reports of the Supreme and Appellate Courts of the State,' approved March 15, 1881." Referred to Committee on Public Printing.

Senator Swain offered the following resolution:

*Resolved*, That the Sergeant-at-Arms be and he is hereby authorized and requested to purchase, for the use of the Senate, twenty more revolving cane-bottomed chairs.

Adopted.

The President referred House bill No. 43, "An act to repeal all laws granting land or land certificates to any person, firm, corporation or company for the construction of railroads, canals and ditches," to Committee on Internal Improvements.

Senate bill No. 6, "An act to adjust the State's indebtedness to the University fund and make appropriation therefor," was taken up in the regular order and read second time, with substitute and majority and minority reports, and, on motion of Senator Duncan, made the special order for Friday morning at 10 o'clock, and one hundred copies of bill, substitute and majority and minority reports ordered printed.

On motion of Senator Davenport, recess of one hour was taken.

Recess expired and Senate called to order.

Roll called; quorum present.

Senator Lair, by permission, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, April 11, 1882.

Hon. Gov. R. Reeves, Speaker of the House of Representatives and Hon. L. J. Storey, Lieutenant-Governor and President of the Senate:

Your joint committee appointed to inquire into the alleged immoralities in the conduct of the Institution for the Blind, as published in the San Antonio *Daily Express*, of date April 6, 1882, have performed that duty and beg leave to report:

And at the outset we desire to emphasize the fact that no officer of said institution has been in any manner implicated or cognizant of the scandalous conduct published as occurring among certain

parties connected therewith, least of all the faithful, true and efficient superintendent.

Your Committee regret to say that there is a foundation for the alleged immoralities as affecting certain employees of the institution, but at the same time state as a verity that the management of the institution is in no way responsible for such irregularities, nor indeed could be.

The parties were employees and servants, whose conduct and action, after the period of the day's labor was over, were beyond the control and in the nature of things, not subject to the surveillance of the Superintendent. His duty, even if such a thing were possible, did not require him to look after, nor watch the moral being, or protect the virtue of said employees, except so far as the same came under his observation while they were in the actual service for which they were employed.

Your committee beg leave to further report, that all the arrangements of the institution are so made that the intercourse of the pupils of the different sexes, is such only as it should be, and in harmony with a proper promotion of moral training, as well as mental culture. With an eye single to the protection of the female pupils no greater precaution could have been than has been used and invoked, the success of which is demonstrated by the fact that their virtue and chastity are above reproach; no stigma, no stain, not even suspicion, casting a shadow upon them; and this unfortunate occurrence is just one of those incidents which not unfrequently transpire in the public institutions of this country, and which are likely to recur as long as human nature possesses its inherited frailty.

The guilty parties have all been discharged, and the conduct of Dr. Rainey was just such as becomes the watchful superintendent, the faithful officer and the Christian gentleman.

W. D. LAIR, W. M. JOHNSTON,  
J. N. HENDERSON, B. F. FRYMIER,  
Senate Committee. B. M. BAKER,  
House Committee.

On motion of Senator Stubbs, the report of the committee was adopted.

Senator, Stubbs, for Committee on Engrossed Bills, by leave submitted the following report:

COMMITTEE ROOM, }  
AUSTIN, April 12, 1882. }

Hon. J. L. Storey, President of the Senate:

Your Committee on Engrossed Bills have carefully examined Senate Bill No. 5, "An act to amend article 4256 of the Revised Statutes of the State of Texas," and find the same correctly engrossed.

STUBBS, for Committee.

The following messages were received from his Excellency, the Governor:

EXECUTIVE OFFICE, }  
AUSTIN, April 11, 1882. }

To the Hon. Senate and House of Representatives, in the Legislature assembled:

I respectfully submit for action the annexed recommendation of the Hon. F. R. Lubbock, State Treasurer, in regard to the State bonds that have not been disposed of.

I would state further that there is a very large amount of bonds prepared, and signed in part, for the International Railroad Company, that have been kept in the executive office, which, being of no use, should be burned, for which I respectfully ask authority of the Legislature, and that it be embraced in the same act authorizing the burning of those referred to by the State Treasurer.

Respectfully submitted,  
O. M. ROBERTS, Governor.

TREASURY DEPARTMENT, STATE OF TEXAS,  
AUSTIN, April 3, 1882.

Hon. O. M. Roberts, Governor:

DEAR SIR—For the reason that the Legislature is to convene in a few days, I would respectfully call your attention to the condition of the number of four and five per cent bonds engraved under act approved April 21, 1879, and which were never used.

Of the one thousand dollar bonds engraved, six hundred are stored up in the vaults of the Bank of New York, at a cost of \$100 per year, and on which storage has been paid to January 1, 1882.

The following are in the vaults of this department, viz:

\$100 bonds, say ..... \$855,700 00  
\$5 and \$10 bonds, say ..... 995,880 00

Total ..... \$1,851,080 00

In view of the fact that those in New York are a constant expense, I would suggest that your Excellency recommend that the Legislature provide for their cancellation in New York city and re-

turn to this department. By having them cancelled where they are the expense and risk will be largely reduced.

I am of the opinion that an appropriation of \$200 will cover rent due, cost of cancellation and express charges.

Concerning those in this department, I would suggest that the Treasurer, in the presence of the Governor and Comptroller, be authorized to burn them, preserving lists of numbers destroyed.

These bonds consume a space in the vault, and as the coupons of the \$500 bonds bear the lithographed signature of the Governor, and the \$5 and \$10 bonds are entirely complete, they cannot be stored elsewhere than in a secure place. Very respectfully,

F. R. LUBBOCK, Treasurer.

EXECUTIVE OFFICE, }  
AUSTIN, April 12, 1882. }

To the Honorable Senate and House of Representatives in the Legislature assembled:

I respectfully submit to you a report of the expenditure of the appropriation, made at the last session, of \$10,000 each year for two years, to meet incidental expenses of the new capitol building, and which amounts are to be refunded to the State by the capitol contractor, according to the contract that has been made with him in accordance with the statute on that subject.

Respectfully submitted, O. M. ROBERTS, Governor.

STATEMENT OF AMOUNTS DRAWN AGAINST \$10,000 APPROPRIATED FOR BUILDING NEW CAPITOL, FOR YEAR ENDING FEBRUARY 28, 1882.

1881.	April 9—Jos. Lee and N. L. Norton, pay as commissioners .....	\$ 200 22
	April 13—J. N. Preston, architect, March 1 to April 12, 1881 .....	174 86
	April 18—J. H. Dinkins, surveying capitol grounds .....	6 50
	May 7—Le Brune, pay as advising architect .....	1730 00
	May 20—Jos. Lee and N. L. Norton, expenses collecting building material .....	51 25
	June 4—Jos. Lee and N. L. Norton, salary, May 1 to May 31, 1881 .....	250 00
	July 18—Jos. Lee and N. L. Norton, salary, June 1 to July 15, 1881 .....	369 50
	Aug. 15—The World, notice to contractors .....	225 00
	Sept. 29—John Cardwell, publishing notice to contractors .....	45 00
	Oct. 1—Jos. Lee, salary, July 15 to September 30, 1881 .....	107 50
	Nov. 5—Pay of C. C. Myers, for drawing and working plans .....	5000 00
	Nov. 28—J. T. Dickinson, salary as clerk, 15 days .....	37 50
	Dec. 5—Jefferson Democrat, publishing notice to contractors .....	60 40
	Dec. 17—N. L. Norton and Jos. Lee, salary, October 1 to December 1, 1881, and expenses .....	425 06
	Dec. 17—Galveston News, advertising bids for new capitol .....	7 48
1882.	Jan. 5—Galveston News, advertising sealed proposals .....	42 03
	Jan. 20—George Knapp & Co., advertising notice to contractors .....	188 80
	Jan. 30—Houston Daily Post, advertising for bids .....	13 50
	Feb. 28—Daily Dallas Times, advertising proposals to purchase lands .....	113 50
	Feb. 28—N. L. Norton and Jos. Lee, salary, December 1, 1881, to February 28, 1882, and expenses .....	247 91
	March 10—E. E. Myers, for plans and specifications .....	629 09
1881.	Dec. 5—R. von Boeckman, binding specifications .....	68 30
	Total .....	\$10,000 00

AMOUNT DRAWN FOR YEAR ENDING FEBRUARY 28, 1882.

1882.  
March 10—E. E. Myers, plans and specifications .....

The President referred the above message to Committee on Finance.

Senator Patton, chairman of Committee on State Affairs, by leave, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, April 11, 1882.

Hon. L. J. Storey, President of the Senate:

Your Committee on State Affairs, to whom was referred House concurrent resolution returning the thanks of the people of Texas to Lieutenant J. L. Bullis, have considered the same, and I am instructed, by a majority of said committee to recommend its passage.

PATTON, Chairman.

Resolution read and adopted.

A message was received from the House, announcing the passage by that body of Senate bill No. 9, "An act to extend the time within which persons whose lands have been sold for taxes, and bought in by the State, may redeem the same," with the following amendment: Amend by adding after the word "thereon," in line nineteen, the following: "and five per cent commission to the collector."

Also, that the House concurs in Senate amendment to House resolution relative to the procurement of suitable buildings for the several State departments.

On motion of Senator Homan, Senate concurred in House amendment to Senate bill No. 9, just received from the House.

On motion of Senator Davenport, Senate adjourned until 9 o'clock a. m. to-morrow.

### SEVENTH DAY.

SENATE CHAMBER,  
AUSTIN, April 13, 1882.

Senate met pursuant to adjournment.

The President in the chair.

Prayer by Elder W. E. Hall of the Christian Church.

On motion of Senator Burges, reading of the minutes of yesterday's proceedings was dispensed with.

Senator Davenport, for Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, April 12, 1882

Hon. L. J. Story, President of the Senate:

Your Committee on Enrolled Bills, have examined Senate bill No. 9, and instruct me to report the same correctly enrolled.

DAVENPORT, for Committee.

Senate bill No. 5, "An act to amend article 4253 of the Revised Civil Statutes of the State of Texas," which by mistake was omitted on yesterday, was taken up as regular business and read third time.

Senator Terrell moved to postpone consideration of the bill till to-morrow, to give opportunity to the Committee on Internal Improvements to hear arguments from certain railroad men on the subject, and also moved that it be made special order for to-morrow morning immediately after the morning call. Lost by the following vote:

YEAS—11.

Brown,	McLane,	Stubbs,
Burges,	McDonald,	Terrell,
Burton,	Moore,	Weatherred.
Davenport,	Patton,	

NAYS—16.

Buchanan,	Homan,	Ross,
Davis,	Lair,	Shannon,
Duncan,	Lightfoot,	Swain,
Harris,	Martin,	Tilson,
Henderson,	Rainey,	Wynne.
Hightower,		

Senator Harris offered the following amendment: Amend by striking out "three cents" and inserting "three and a half cents."

Senator Homan moved the previous question on the amendment and passage of the bill. Motion seconded and main question ordered.

Amendment was lost by the following vote:

YEAS—10.

Burges,	McLane,	Stubbs,
Burton,	Moore,	Terrell,
Davenport,	Patton,	Weatherred.
Harris,		

NAYS—17.

Brown,	Homan,	Ross,
Buchanan,	Lair,	Shannon,

Davis,  
Duncan,  
Henderson,  
Hightower,

Lightfoot,  
Martin,  
McDonald,  
Rainey.

Swain,  
Tilson,  
Wynne.

Bill passed by the following vote:

YEAS—22.

Brown,  
Buchanan,  
Burges,  
Davis,  
Duncan,  
Gooch,  
Harris,  
Henderson,

Hightower,  
Homan,  
Lair,  
Lightfoot,  
Martin,  
McDonald,  
Moore,

Rainey,  
Ross,  
Shannon,  
Swain,  
Terrell,  
Tilson,  
Wynne.

NAYS—5.

Davenport,  
McLane,

Patton,  
Stubbs,

Weatherred.

Senators Davenport, McLane and Patton asked that the following reasons for their vote be spread upon the journal.

Mr. President:

I oppose the reduction of the passenger fare from five cents to three cents per mile, in advance of action regulating freight, for the following reasons:

1. The income of railroads from passenger travel is derived principally from persons who live in other States, traveling through or in other States. The reduction of the passenger income of railroads will cause the railroad companies to raise the rates on freight. The regulation of freights is conspicuously avoided, and intentionally so, it seems. In a frontier country comparatively few ride on railroads. Yet if the price of hauling grain, stock, lumber and provisions is increased it will levy additional burdens upon every household.

2. The frontier counties are being rapidly developed by emigrants. The passenger rate for immigrants coming into the State is about one cent per mile. This low rate enables them to reach the borders of the State easily and cheaply. By the reduction of the general passenger rate from five cents to three cents it will probably force the immigrant rate from one cent to three cents per mile. This will check the tendency of immigration to the frontier by reason of the increased expense of travel. It is evident to me that the older and thickly populated sections expect such a result from the unanimity with which they act.

It is a universally recognized fact that railroads in a sparsely settled country rarely pay a profit during the earlier years of their construction. By reducing rates below a point where invested capital will bring a profit, further railroad construction will be retarded, and thereby the older sections of the State will be enabled to maintain their fast falling power, and the rapidly growing influence of the frontier will be retarded. It is particularly unjust to the section I have the honor to represent, therefore I oppose it.

J. H. DAVENPORT.

Mr. President:

Representing as I do, a district similar in many respects to that represented by the honorable Senator from Eastland, and particularly as being a new field of railroad enterprise, to which we owe much of our fast development and prosperous condition, and deeming it injurious, if not positively hurtful, to the interests of my section to pass any hampering laws at present, proposing to regulate railroads, I concur in the reasons assigned, and I therefore am opposed to the bill and vote against it, because it is, in its immediate operation, hurtful to the interests of western Texas; and for the further reason that I believe the proposed law unconstitutional.

McLANE.

I vote against the bill because it arbitrarily fixes the rate of passenger travel on all railroads within the State at three cents per mile, without any regard to the length of their lines, or the amount of their passenger travel.

Secondly—This bill regulates railroad charges for passenger travel without prescribing any freight tariffs, which I think will have a tendency to oppress the masses of the people who do not ride on the roads, but consume bacon, flour, etc., for the reason that the roads will be driven to seek compensation for the inadequacy of their revenue derived from passenger travel by an increase of their freight tariffs, and this will be still more onerous upon the people of our State, for the reason that more than half of the revenue derived by the railroads from passenger travel is from foreign travel, and this measure will have a tendency to lift a burden from the shoulders of non-residents, and place it upon our own citizens; and the poor immigrants who seek homes in our midst and now travel